

PETER W. BILLINGS
RALPH H. MILLER
BRYCE E. ROE
GEORGE D. MELLING, JR.
WARREN PATTEN
M. BYRON FISHER
STANFORD B. OWEN
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DENISE A. DRAGOO
JAY B. BELL
DANIEL W. ANDERSON
GARY E. JUSBER
ROSEMARY J. BELESS
W. CULLEN BATTLE

FABIAN & CLENDENIN

A PROFESSIONAL CORPORATION
ATTORNEYS AT LAW

P. O. BOX 510210
TWELFTH FLOOR
215 SOUTH STATE STREET
SALT LAKE CITY, UTAH 84151
TELEPHONE (801) 531-8900

FAX NUMBER (801) 596-2814

HAROLD P. FABIAN
1885-1975
BEVERLY S. CLENDENIN
1889-1971
SANFORD M. STODDARD
1909-1974
ALBERT J. COLTON
1925-1988



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NORMAN J. YOUNGER
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SHELDOON A. SMITH
DIANE H. BANKS
P. BRUCE BADGER
BRYON J. BENEVENTO
JOHN (JACK) D. RAY
MICHAEL L. CHIDESTER
KATHLEEN H. SWITZER

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March 1, 1989

SF FILE NUMBER

S-6-01

VIA FEDERAL EXPRESS

Mr. Larry G. Reed
Director, Hazardous Site Evaluation Division
Office of Emergency Remedial Response
U.S. Environmental Protection Agency
401 M Street, S.W.
Washington, D.C. 20460

RE: EPA's Special Notice Letter for RI/FS on
Richardson Flat Tailings Site, Summit
County, Utah

Dear Mr. Reed:

On February 16, 1989, United Park City Mines Company ("United Park") received a Special Notice letter by which EPA notified United Park that it had 60 days to agree to fund a lengthy and expensive Remedial Investigation/Feasibility Study (RI/FS) for the Richardson Flat Tailings Site, Summit County, Utah, or else the EPA would conduct the RI/FS and hold United Park potentially liable for all funds expended by the EPA.

EPA's Special Notice letter directly violates EPA's commitment to Congressman Wayne Owens, Kenley W. Brunsdale, Edwin L. Osika, Jr., Vice President of United Park, and to me, made by Stephen Lingle, Director of EPA's Hazardous Site Evaluation Division, on October 5, 1988, that EPA would address and resolve critical procedural and substantive irregularities in EPA's proposal to list the Richardson Flat site on the National Priorities

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List, prior to expending any funds, or requiring United Park to expend funds, for Remedial Investigations or Feasibility Studies.

United Park has raised a serious policy issue concerning EPA's failure to treat the Richardson Flat site equally to the similar and adjacent Prospector Square tailings site. (See Section II of United Park's Comments, a copy of which is enclosed herewith.) Congressman Owens and United Park received EPA's commitment that the equity issues would be addressed and resolved by EPA before additional funds were expended on Richardson Flat. However, EPA has sent out its Special Notice letter without ever addressing the equity issues.

Likewise, United Park has filed lengthy, detailed objections to EPA's use of erroneous facts and incorrect assumptions in scoring the site and EPA's failure to comply with statutory requirements in proposing the site. (See Sections I and III of United Park's Comments, a copy of which is enclosed herewith.) Again, Congressman Owens and United Park received EPA's commitment that United Park's objections would be answered and the substantive and procedural issues resolved by EPA before any further money would be spent by EPA, or under EPA's direction, or before further process was initiated concerning the site. However, EPA has violated this commitment by charging ahead with its Special Notice letter while ignoring all substantive and procedural issues.

EPA's timing of its Special Notice letter is discretionary. Because United Park, at its own expense, has now covered most of the tailings with top soil, which has been and will continue to be seeded, there is no urgency or need for immediate action at the Richardson Flat site.

Consequently, United Park strongly urges EPA to uphold its commitment to Congressman Owens and United Park by withdrawing its Special Notice letter and by addressing and resolving the serious issues which United Park has raised in its Comments.

United Park seeks only to have the Richardson Flat site treated equally to and considered on the same basis as the similar and adjacent Prospector Square tailings site, and that EPA cure its substantial deficiencies in its scoring of the Richardson Flat site. Such actions are not only required as

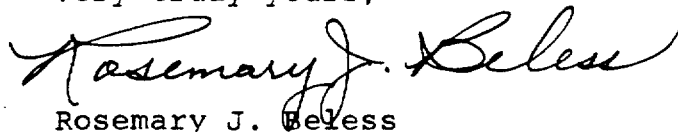
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matters of equal protection and due process, but as matters of economic efficiency, prior to the expenditure of vast sums of money on a lengthy RI/FS.

Because EPA has mistakenly initiated its Special Notice letter, time is of the essence in this matter, and we request your immediate reply.

Very truly yours,



Rosemary J. Beless

Attorney for United Park City
Mines Company

RJB:sgm

Enclosure: In the Matter of the Proposed Listing of Richardson Flat Tailings, Summit County, Utah, on the National Priorities List: Comments of United Park City Mines Company in Opposition to Proposed Rule

cc: Representative Wayne Owens
Stephen Lingle, EPA
Gene Taylor, Region VIII, EPA
Sandra Moreno, Region VIII, EPA
Brent Bradford, Utah Department of Health

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